

**REMARKS**

This is in response to the Action of March 18, 2008. The Action indicated that claims 99-163 were pending. Claims 99-163 were rejected under 35 USC § 112, second paragraph.

In explaining the rejection claim 99 was called out and was alleged to be incomplete “for omitting essential steps, such omission amounting to a gap between the steps” citing MPEP § 2172.01. The rejection continued that omitted was subject matter which “correlates the function code sent to the central processing unit to the funds transfer process”. The rejection explained that the claim “recites authorizing the desired funds transfer without regards to the function code.” The rejection continued that without a step “that correlates to the funds transfer one cannot ascertain on what basis the desired funds transfer is authorized.” The Examiner suggested “a process step which recites that the central processing unit determines the funds amount and the destination account based upon the function code received from the wireless device.” The rejection continues that “the claims fail to specify the identification of the destination account where the funds are transferred to. This deficiency renders the claimed process vague and unclear as how the funds transfer can be completed without specifying (or, determining) the destination account identification.” Finally, the rejection alleged that the deficiency “is generic to all independent claims”.

Contrary to the rejection applicant alleges that there is nothing incomplete in claim 99, or in any of the other claims in the application. Claim 99 specifies “entering a function code which identifies the desired funds transferred on a key pad of the wireless device”. Therefore the step which specifies the authorization, is specific to “authorizing the desired funds transfer” eg. the particular funds transfer which is identified by the “function code”. Thus applicant submits that the correlation between the function code and the funds transfer is specified by the claim, because the function code “identifies the desired funds transfer”.

Applicant has reviewed the MPEP § 2172.01 and found that the subject matter in the MPEP is not pertinent to this application. The cited portion of the MPEP refers to “a claim

which omitted matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected...". There is nothing in the specification of this application that is disclosed to the essential which is not found in the claims. The rejection does not contradict this assertion.

The rejection argues that some additional content is required for the claim to allow one to "ascertain on what basis the desired funds transfer is authorized." It may well be that the claim does not specify the basis on which the funds transfer is authorized; however it is not apparent that knowledge of the basis is required in order for the claim to be complete or in compliance with 35 USC § 112.

The rejection indicates that the claim does not specify the destination account. That is quite true however the specification describes that in some cases the destination account is a default destination and in other cases the destination account can be specified (see for example dependant claim 102 which specifies that the destination account is determined from the function code or dependant claim 103 which specifies that a destination account is specified using a key pad). Clearly, specifying in an independent how a destination account is determined would unduly limit the claim to one or another of two distinct species. It is not apparent that the failure to specify how a destination account is determined renders the scope of protection unclear or indefinite. On the forgoing basis applicant submits that claim 99 is not at all indefinite.

The other independent claims in the application are similarly complete. For example claim 105 specifies "sending payment transaction instruction information to a central processing unit to identify the payment transaction". Claim 111 specifies "sending highway toll payment instruction information to a central processing unit to identify the highway toll payment transaction". Claim 117 recites "sending transit fare payment instruction information to a central processing unit to identify the transit fare payment transaction". Claim 123 calls for "sending parking garage fee payment instruction information to a central processing unit to identify the parking garage fee payment transaction". Claim 129 calls for "sending account inquiry instruction information to a central processing unit to identify the account inquiry transaction."

Claim 131 calls for "receiving from the wireless device identification of a function corresponding to a funds transfer." Claim 137 calls for "sending payment transaction instruction information to a central processing unit to identify the payment transaction". Claim 143 recites "sending highway toll payment instruction information to a central processing unit to identify the highway toll payment transaction". Claim 149 recites "sending transit fare payment instruction information to a central processing unit to identify the transit fare payment transaction." Claim 155 calls for "sending parking garage fee payment instruction information to a central processing unit to identify the parking garage fee payment transaction". Claim 161 calls for "sending account inquiry instruction information to a central processing unit to identify the account inquiry transaction".

Applicant submits that it is apparent that each of the independent claims are complete and definite. Reconsideration and withdrawal of the rejection is solicited.

The action also contains a rejection of all claims under 35 U.S.C. § 251 due to a defective oath. Applicant has provided herewith a new oath which specifies "The Error in the patent is a consequence of claiming less than the patentee had a right to claim. At the time application SN 08/929,217 was filed and throughout the prosecution of that application, I was unaware that the claims were unnecessarily limited to methods which included either, "expanding the function of a service provider's central processing unit to include account and authorization information," (claims 1 and 6) or "expanding the function of a service provider's central processing unit to include secure independent verification of a user's identity" (claim 4). New claims directed to my invention are included in this application which are not so limited. The claims in this application are directed to methods which use information stored in the wireless device that is routinely sent to the operator of a wireless system as an identifier. Use of this identifier allows identifying a financial account from a wireless device without the need for the user to manually enter this information. All the new claims are directed to this aspect of my invention".

The new Oath specifies in the first paragraph the error in the patent with particularity and indicates that the new claims which are included in this application "are not so limited" eg. are not limited in the way the claims in the original patent were. The second paragraph in the Declaration specifies the content of the claims in this application. Applicants submits that the new declaration obviates the rejection. Accordingly, reconsideration and withdrawal the rejection is solicited.

The action also contains a request for the applicant to provide an explanation of how the claims 99-163 are supported in the specification. Applicant provides, in the table reproduced directly below an example of how each of claims 99-163 is supported in the specification of the application. In its support is exemplary eg. there maybe other and different support in the specification, over and above what is set forth in this table.

99 A method of using a wireless device to transfer funds between different accounts comprising:	2:21.
preparing the wireless device to engage in funds transfer,	Fig. 1A, "Ready cell phone for transaction/activity"; 4:49-51
receiving user identification information by receiving wireless device identification information transmitted by the wireless device,	4:12, 4:57-58, 10:41
entering a function code which identifies the desired funds transfer on the keypad of the wireless device,	Fig. 1B, "Enter Unique Code", 2:35-37
sending the function code to a central processing unit,	2:39
authorizing the desired funds transfer,	1:37, 2:53-56, 3:30, 3:51-53, 4:65-5:22
determining a source account identification from the user identification	2:50-54; 4:13, 57, 65-5:5
confirming completion of the funds transfer.	Fig. 1E, "Transmit confirmation/Authorization Number to Other Party", 3:8-10; 3:21, 5:45

100 The method claim 99 wherein the funds transfer involves a default	2:40-41
---	---------

amount at a pre-set price.	
----------------------------	--

101 The method of claim 99 wherein the funds transfer involves a variable amount and which includes the further steps of:	2:45
using the wireless device to identify the variable amount, and	2:48, 4:60
sending the identified amount to the central processing unit.	2:49, 4:61

102 The method of claim 99 which further includes determining a destination account from the function code.	2:63-67, 6:63-7:5
---	-------------------

103 The method of claim 99 which includes identifying a destination account using a keypad of the wireless device.	5:37-40
--	---------

104 The method of claim 99 wherein the activation or clearing of the wireless device comprises turning on the wireless device.	10:28-30
--	----------

105 A method for realizing a payment transaction allowing a user, operating a wireless device, to pay a vendor for goods or services, the method comprising:	3:66-4:1
preparing the wireless device to engage in the payment transaction,	Fig. 1A, Ready cell Phone for transaction/activity, 4:49-51
receiving user identification information by receiving wireless device identification information transmitted by the wireless device,	4:12, 4:57-58, 10:41
receiving, at the wireless device, an instruction relating to the payment transaction,	Fig. 1B, Enter Unique Code, 2:35-37
sending payment transaction instruction information a central processing unit to identify the payment transaction,	2:39
determining a source account identification from the user identification,	2:52, 4:13, 57, 65-5:5
authorizing, using the central processing unit, the payment transaction, and	1:37, 2:53-56, 3:30, 3:51-53, 4:65-5:22
confirming completion of the transaction.	Fig. 1E, Transmit confirmation/authorization Number to

	Other Party, 3:8-10, 3:21, 5:45
106 The method claim 105 wherein the payment involves a default amount at a pre-set price.	2:40-41
107 The method of claim 105 wherein the payment involves a variable amount and which includes the further steps of:	2:45
using the wireless device to identify the variable amount, and	2:48, 4:60
sending the identified amount to the central processing unit.	2:49, 4:61
108 The method of claim 105 which further includes determining a destination account from the function code.	2:63-67, 6:63-7:5
109 The method of claim 105 which further includes identifying a destination account using a keypad of the wireless device.	5:37-40
110 The method of claim 105 wherein the activation or clearing of the wireless device comprises turning on the wireless device.	10:28-30
111 A method realizing a payment transaction allowing a user, operating a wireless device, to pay a highway toll, the method comprising:	10:10
preparing the wireless device to engage in the toll payment transaction,	Fig. 1A, "Ready cell Phone for transaction/activity", 10:28
receiving user identification information by receiving wireless device identification information transmitted by the wireless device,	4:12, 4:57-58, 10:41
receiving, at the wireless device, an instruction relating to the highway toll payment transaction,	Fig. 2B, "Enter Unique for Tolling", 10:30
sending highway toll payment instruction information to a central processing unit to identify the highway toll payment transaction,	10:31-39
determining a source account identification from the user identification,	2:50-54; 4:13, 57, 65-5:5, 10:40-45
authorizing, using the central processing unit, the highway toll payment transaction, and	10:40-42
confirming completion of the highway toll payment transaction.	10:42-43

112 The method claim 111 wherein the highway toll payment involves a default amount at a pre-set price.	10:25-39
---	----------

113 The method of claim 111 wherein the highway toll payment involves a variable amount and which includes the further steps of:	2:45
using the wireless device to identify the variable amount, and	2:48, 4:60
sending the identified amount to the central processing unit.	2:49, 4:61

114 The method of claim 113 which further includes determining a destination account from the function code.	2:63-67, 6:63-7:5
--	-------------------

115 The method of claim 113 which further includes identifying a destination account using a keypad of the wireless device.	5:37-40
---	---------

116 The method of claim 111 wherein the activation or clearing of the wireless device comprises turning on the wireless device.	10:28-30
---	----------

117 A method realizing a payment transaction allowing a user, operating a wireless device, to pay a public transit fare, the method comprising:	8:49-51
preparing the wireless device to engage in the transit fare payment transaction,	Fig 1A, Ready cell phone for transaction/activity, 4:49-51
receiving user identification information by receiving wireless device identification information transmitted by the wireless device,	4:12, 4:57-58, 10:41
receiving, at the wireless device, an instruction relating to the transit fare payment transaction,	9:1-30, 9:35
sending transit fare payment instruction information to a central processing unit to identify the transit fare payment transaction,	9:29-35
determining a source account identification from the user identification,	2:50-54; 4:13, 57, 65-5:5, 9:64-10:6
authorizing, using the central processing unit, the transit fare payment transaction, and	9:37
confirming completion of the transit fare payment transaction.	9:37-38

118 The method claim 117 wherein the transit fare payment involves a default amount at a pre-set price.	9:20-25
119 The method of claim 117 wherein the transit fare payment involves a variable amount and which includes the further steps of:	9:45-57
using the wireless device to identify the variable amount, and	2:48, 4:60, 9:11-38
sending the identified amount to the central processing unit.	2:49, 4:61, 9:35
120 The method of claim 117 which further includes determining a destination account from the function code.	9:1-2, 4:57
121 The method of claim 117 which further includes identifying a destination account using a keypad of the wireless device.	9:63
122 The method of claim 117 wherein the activation or clearing of the wireless device comprises turning on the wireless device.	10:28-30
123 A method realizing a payment transaction allowing a user, operating a wireless device, to pay a parking garage fee, the method comprising:	6:16-20
preparing the wireless device to engage in the parking garage fee payment transaction,	Fig 1A, Ready cell phone for transaction/activity, 4:49-51, 7:13-15
receiving user identification information by receiving wireless device identification information transmitted by the wireless device,	4:12, 4:57-58, 10:41
receiving, at the wireless device an instruction identifying the parking garage fee payment transaction,	7:1-2
sending parking garage fee payment instruction information to a central processing unit to identify the parking garage fee payment transaction,	7:15-17
determining a source account identification from the user identification,	2:50-54; 4:13, 57, 65-5:5, 7:40, 7:60-8:14
authorizing, using the central processing unit, the parking garage fee transaction, and	7:24
confirming completion of the parking garage fee transaction.	7:24-25



124 The method claim 123 wherein the parking garage fee payment transaction involves a default amount at a pre-set price.	2:40-41
125 The method of claim 123 wherein the parking garage fee payment transaction involves a variable amount and which includes the further steps of:	2:45
using the wireless device to identify the variable amount, and	2:48, 4:60
sending the identified amount to the central processing unit.	2:49, 4:61
126 The method of claim 123 which further includes determining a destination account from the function code.	2:63-67, 6:63-7:5
127 The method of claim 123 which further includes identifying a destination account using a keypad of the wireless device.	2:67, 4:65-5:5, 5:37-40
128 The method of claim 123 wherein the activation or clearing of the wireless device comprises turning on the wireless device.	10:28-30
129 A method realizing an account inquiry transaction allowing a user, operating a wireless device, to obtain account balance information, the method comprising:	2:28-30
preparing the wireless device to engage in account balance inquiry transaction,	Fig 1A, Ready cell phone for transaction/activity, 2:28-30, 4:49-51
receiving user identification information by receiving wireless device identification information transmitted by the wireless device,	4:12, 4:57-58, 10:41
receiving, at the wireless device, an account inquiry instruction identifying the account inquiry transaction,	2:35-37
sending account inquiry instruction information to a central processing unit to identify the account inquiry transaction,	2:37-38
determining the account identification from the user identification,	2:50-55, 4:65-5:5
authorizing, using the central processing unit, the account inquiry transaction, and	2:52-56
completing the account inquiry transaction.	3:9-11
130 The method of claim 129 wherein the activation or clearing of the wireless device comprises turning on the wireless device.	10:28-30

131 A method allowing a user of a wireless device to transfer funds between different accounts comprising the steps of:	2:21
preparing the wireless device to engage in the funds transfer,	Fig 1A, "Ready cell phone for transaction/activity, 4:49-51
receiving user identification information by receiving wireless device identification information transmitted by the wireless device,	4:12, 4:57-58, 10:41
Receiving from the wireless device identification of a function corresponding to a funds transfer,	Fig 1B, Enter Unique Code, 2:35-40
determining a source account identification from the user identification,	2:50-59, 4:13, 57, 65-5:5
operating on the funds transfer function at a central processing unit,	2:30-3:46
determining the destination account involved in the funds transfer, and	2:63-3:6
authorizing the desired funds transfer.	1:37, 2:53-56, 3:9-15, 3:30, 3:51-53, 4:65-5:22
132 The method claim 131 wherein the funds transfer involves a default amount at a pre-set price.	2:38-44
133 The method of claim 131 wherein the funds transfer involves a variable amount and which includes the further steps of:	2:45
using the wireless device to identify the variable amount, and	2:48, 4:60
sending the identified amount to the central processing unit.	2:49, 4:61
134 The method of claim 131 wherein the determining step includes determining a destination account from the function code.	2:63-67, 6:63-7:5
135 The method of claim 131 wherein the determining step includes identifying an account using a keypad of the wireless device.	2:67, 4:65-5:5, 5:37-40
136 The method of claim 131 wherein the activation or clearing of the wireless device comprises turning on the wireless device.	10:28-30
137 A method allowing realization of a payment transaction by a	3:66-4:1

user, operating a wireless device, paying a vendor for goods or services, the method comprising the steps of:	
preparing the wireless device to engage in the payment transaction,	Fig 1A, Ready cell phone for transaction/activity, 4:49-51
receiving user identification information by receiving wireless device identification information transmitted by the wireless device,	4:12, 4:57-58, 10:41
Receiving from the wireless device, an instruction relating to the payment transaction,	2:35, 2:53, 2:66, 4:67, 5:6, 20-22, 10:30
sending payment transaction instruction information to a central processing unit to identify the payment transaction,	2:35-37, 2:62, 2:67-3:7, 10:30-33
determining a source account identification from the user identification, and	2:50-54; 4:13, 57, 65-5:5
authorizing, using the central processing unit, the payment transaction.	3:8-10, 3:21, 5:45
138 The method claim 137 wherein the payment involves a default amount at a pre-set price.	2:40-41
139 The method of claim 137 wherein the payment involves a variable amount and which includes the further steps of:	2:45
using the wireless device to identify the variable amount, and	2:48, 4:60
sending the identified amount to the central processing unit.	2:49, 4:61
140 The method of claim 137 which includes determining a destination account from the function code.	2:63-67, 6:63-7:5
141 The method of claim 137 which further includes identifying a destination account using a keypad of the wireless device.	2:67, 4:65-5:5, 5:37-40
142 The method of claim 137 wherein the activation or clearing of the wireless device comprises turning on the wireless device.	10:28
143. A method allowing the realization of a payment transaction allowing a user, operating a wireless device, to pay a highway toll, the method comprising:	10:10
preparing the wireless device to engage in the toll payment transaction,	Fig. 1A, Ready cell phone for transaction/activity, 10:28
receiving user identification information by receiving wireless device identification information transmitted by the wireless device,	4:12, 4:57-58, 10:41

receiving, from the wireless device, an instruction relating to the highway toll payment transaction,	10:40-45
sending highway toll payment instruction information to a central processing unit to identify the highway toll payment transaction,	10:31-39
determining a source account identification from the user identification, and	2:50-54; 4:13, 57, 65-5:5, 10:40-45
authorizing, using the central processing unit, the highway toll payment transaction.	10:41-42
144 The method claim 143 wherein the highway toll payment involves a default amount at a pre-set price.	2:41, 10:33
145 The method of claim 143 wherein the highway toll payment involves a variable amount and which includes the further steps of:	2:45-50
using the wireless device to identify the variable amount, and	2:45-50
sending the identified amount to the central processing unit.	2:49
146 The method of claim 143 which further includes determining a destination account from the function code.	2:63-67, 6:63-7:5
147 The method of claim 143 which further includes identifying a destination account using a keypad of the wireless device.	2:67, 4:65-5:5, 5:37-40
148 The method of claim 143 wherein the activation or clearing of the wireless device comprises turning on the wireless device.	10:28
149. A method allowing the realization of a payment transaction allowing a user, operating a wireless device, to pay a public transit fare, the method comprising:	8:49-51
preparing the wireless device to engage in the transit fare payment transaction	Fig 1A, Ready cell phone for Transactino/activity, 4:49-51
receiving user identification information by receiving wireless device identification information transmitted by the wireless device,	4:12, 4:57-58, 10:41
Receiving, from the wireless device, an instruction relating to the transit fare payment transaction,	9:1-20, 9:35
sending transit fare payment instruction information to a central processing unit to identify the transit fare payment transaction,	9:29-35
determining a source account identification from the user identification, and	2:50-54; 4:13, 57, 65-5:5, 9:64-10:6
authorizing, using the central processing unit, the transit fare payment	9:37

transaction.	
150 The method claim 149 wherein the transit fare payment involves a default amount at a pre-set price.	2:40-42
151 The method of claim 149 wherein the transit fare payment involves a variable amount and which includes the further steps of:	9:7
using the wireless device to identify the variable amount, and	2:48, 4:60, 9:11-38
sending the identified amount to the central processing unit.	2:49, 4:61, 9:35
152 The method of claim 149 which further includes determining a destination account from the function code.	2:63-67, 6:63-7:5
153 The method of claim 149 which further includes identifying a destination account using a keypad of the wireless device.	5:37-40
154 The method of claim 149 wherein the activation or clearing of the wireless device comprises turning on the wireless device.	10:28-30
155 A method allowing the realization of a payment transaction allowing a user, operating a wireless device, to pay a parking garage fee, the method comprising:	6:16-20
preparing the wireless device to engage in the parking garage fee payment transaction	Fig 1A, Ready cell phone for transaction/activity, 4:49-51, 7:13-15
receiving user identification information by receiving wireless device identification information transmitted by the wireless device,	4:12, 4:57-58, 10:41
Receiving, from the wireless device an instruction identifying the parking garage fee payment transaction,	7:1-12
sending parking garage fee payment instruction information to a central processing unit to identify the parking garage fee payment transaction,	7:15-17
determining a source account identification from the user identification, and	2:50-54; 4:13, 57, 65-5:5, 9:64-10:6
authorizing, using the central processing unit, the parking garage fee transaction.	7:24

156 The method claim 155 wherein the parking garage fee payment transaction involves a default amount at a pre-set price.	2:40-41
157 The method of claim 155 wherein the parking garage fee payment transaction involves a variable amount and which includes the further steps of:	2:45
using the wireless device to identify the variable amount, and	2:48, 4:60
sending the identified amount to the central processing unit.	2:49, 4:61
158 The method of claim 155 which further includes determining a destination account from the function code.	2:63-67, 6:63-7:5
159 The method of claim 155 which further includes identifying a destination account using a keypad of the wireless device.	5:37-40
160 The method of claim 155 wherein the activation or clearing of the wireless device comprises turning on the wireless device.	10:28-30
161 A method allowing the realization of an account inquiry transaction allowing a user, operating a wireless device, to obtain account balance information, the method comprising:	2:28-30
preparing the wireless device to engage in the account inquiry transaction	Fig 1A, Ready cell phone for transaction/activity, 4:49-51
receiving user identification information by receiving wireless device identification information transmitted by the wireless device,	4:12, 4:57-58, 10:41
Receiving, from the wireless device, an account inquiry instruction identifying the account inquiry transaction,	2:35-37
sending account inquiry instruction information to a central processing unit to identify the account inquiry transaction, and	2:37-38, 3:37-40
authorizing, using the central processing unit, the account inquiry transaction.	2:52-56
162. The method of claim 161 which further includes determining the identity of the account in the inquiry transaction from the user identification.	2:55-58
163 The method of claim 161 wherein the activation or clearing of	10:28-30

the wireless device comprises turning on the wireless device.	
---	--

In the claims reproduced above claims 104, 110, 116, 122, 128, 130, 136, 142, 148, 154, 160 and 163 have been amended. In each case the phrase "wherein the activation or clearing" has been amended to recite --wherein activation of clearing--.

Based on the foregoing the Applicant submits this application is in condition for allowance; reconsideration and allowance is solicited.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 05525-00003-US1 from which the undersigned is authorized to draw.

Dated: July 18, 2008

Respectfully submitted,

Electronic signature: /Stanley B. Green/  
Stanley B. Green  
Registration No.: 24,351  
CONNOLLY BOVE LODGE & HUTZ LLP  
1875 Eye Street, NW  
Suite 1100  
Washington, DC 20006  
(202) 331-7111 (Phone)  
(202) 293-6229 (Fax)  
Attorney for Applicant